REMARKS

Added Claim 17 is supported in page 27 lines 5-10 of the specification.

The amendment to Claim 2 addresses the requirement set forth by the Examiner and overcomes its rejection under section 112.

The present invention is directed to a molding composition that contains polyalkylene terephthalate and a specified amount of a specifically structured phosphorous compound. The invention is predicated in the findings that the incorporation of the 0.041 to 0.095% of the phosphorous compound imparts improved hydrolytic resistance to polyalkylene terephthalate. The working examples summarized in page 27 of the application demonstrate the invention and point to the criticality of that amount. Accordingly the "elongation at break" is a material parameter that is inversely proportional to the deterioration of the material that has been subjected to long-term (240 hours) of steam storage. Attention is respectfully directed to that the high elongation at break (respectively 13 and 17%) that characterizes the inventive composition (Examples 1 and 2) is not shared by the comparative examples that contain either lesser (comparative examples 1, 2 and 3) or greater concentrations (comparative examples 4 and 5) of the phosphorous compound.

Claims 1-4 and 7-16 stand rejected under 35 U.S.C. 102(b) as anticipated or, in the alternative, under 35 U.S.C. 103(a) as obvious over Idel et al (U.S. patent 5,231,124).

Idel disclosed compositions containing polyalkylene terephthalate, polycarbonate and a combination of phosphorous compounds. The total amount of these phosphorous compounds is 0.02 to 1.0 pbw, a range that embraces the presently claimed range. The referenced composition is said to exhibit improved paintability and paint adhesion.

The standard for anticipation is one of strict identity. To anticipate a claim for a patent, a single prior art document must contain all the essential elements of the claimed invention. In Re Donohue 226 USPQ 619.

The referenced composition includes the recited ester at a concentration of 2-100 x 10^{-2} %. This range cannot reasonably be taken as describing the presently claimed range of 4.1-9.5 x 10^{-2} % in a manner required by section 102.

Set against the cited standard Idel falls short of anticipating the claims.

As the critical dependence of the hydrolytic stability on the amount of phosphorous acid ester was not recognized by Idel, this document cannot reasonably be taken as suggesting the present invention. There is simply no evidence that Idel regards any of its compositions to differ from the others in terms of their respective properties. As such, the performance of the presently claimed compositions is indeed surprising and unexpected and serves to rebut the alleged obviousness.

Added Claim 17 that includes the transitional language "consisting essentially of" is directed to an embodiment that is yet further differentiated over Idel.

Reconsideration of the rejections over Idel and their withdrawal in view of the above are solicited.

Claims 1-16 stand rejected under 35 U.S.C. 103(a) as obvious over Idel et al (U.S. Patent 5,231,124) and Magerstedt et al (U.S. Patent 5,726,227).

Idel has been discussed above and its relevance in the present context noted. The Magerstedt document disclosed a composition containing a polymer selected from a specific group that includes no polyalkylene terephthalate. It is therefore not completely clear why or how the Idel and Magerstedt may at all be combined much less for the instant purpose of a rejection under section 103.

Reconsideration of the rejection and its withdrawal is earnestly solicited.

Claims 1-4, 10-12 and 14-16 stand rejected under 35 U.S.C. 102(b) as anticipated or, in the alternative, under 35 U.S.C. 103(a) as obvious over DE 2615341 (the '341 document).

The '341 document disclosed a composition stabilized by the incorporation of certain phosphite esters in amounts of 0.01 to 0.5%.

The standard for anticipation has been cited above. The referenced composition includes the recited ester at a concentration of 1-50 x 10^{-2} % a range that does not describe the presently claimed 4.1-9.5 x 10^{-2} %.

The rejection alleging anticipation is clearly erroneous and its retraction is solicited.

As noted above, the demonstrated advantages characterizing the claimed composition which advantages are critically dependent on the recited amount of the phosphorous acid ester have not been disclosed or suggested by the '341 document. Since there is no evidence that any of the referenced compositions may differ from the others, the experimental evidence presented in the application and discussed above clearly serve to rebut and overcome the rejection alleging obviousness over the '341 document. Reconsideration of the rejection and its withdrawal is earnestly solicited.

Claims 1-12 and 14-16 stand rejected under 35 U.S.C. 103(a) as obvious over DE 2615341 and Magerstedt (U.S. Patent 5,726,227)

Magerstedt has been discussed above and its irrelevance to the present invention was noted. It is not seen how this document could reasonably be taken as augmenting the '341 document in any presently meaningful manner.

Believing the above represent a complete response to the Office Action and that the application is in condition for allowance, Applicants request the earliest issuance of an indication to this effect.

Respectfully submitted,

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